

FELIX CAMACHO ✓-12155
480 ALTA ROAD
SAN DIEGO CA 92179

NUNC PRO TUNC
MAY 29 2008

FILED

2008 JUN 11 PM 3:58

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CV-08-0016-BEN (LSP) *AM*
BY _____ DEPUTY

FELIX CAMACHO
PETITIONER

V
ROBERT HERNANDEZ
RESPONDENT

DE NOVO
OBJECTION TO REPORT AND
RECOMMENDATION OF THE MAGISTRATE
JUDGE.

FILE VIA U.S MAIL 5-23-08

TO THE HONORABLE DISTRICT JUDGE OF THE SOUTHERN DISTRICT COURT OF
CALIFORNIA.

THE PETITIONER HEREIN RESPECTFULLY FILES THIS OBJECTION EN DE NOVO
FROM THE MAGISTRATE JUDGE HONORABLE ; LEO S. PAPAS.

PETITIONER FILES THIS OBJECTION ON THE FOLLOWING REASONS ;

1. THE RESPONDENT WAS ORDER TO FILE A ANSWER OR A MOTION TO DISMISS BY
APRIL 7,2008. PETITIONER NEVER RECEIVED ANY RESPONSE OR MOTION TO
DISMISS.
2. PETITIONER ON APRIL 9,2008 WROTE THIS COURT ASKING THAT THE COURT
ORDER RESPONDENT TO COMPLY WITH THE BRIEFING SCHEDULE.
3. ON APRIL 10,2008 THE PETITIONER WAS PLACED IN ADMINISTRATIVE SEGRAGATION
AND DONOVAN STATE PRISON REFUSED TO GIVE HIM HIS LEGAL PAPERWORK.
4. ON MAY 15,2008, PETITIONER ASK THIS COURT FOR EXTENSION OF TIME AND
ASK THIS COURT FOR A COPY OF ANY RESPONSE , MATERIAL LODGMET FILED BY
THE RESPONDENT.

5. PETITIONER WAS RELEASED FROM AD-SEG ON MAY 21,2008 AND RECEIVED HIS PROPERTY ON MAY 23,2008 AND ALSO RECEIVED THE REPORT AND RECOMMENDATION FROM THIS COURT ON MAY 22,2008.

THE PETITIONER COULD NOT FILE A RESPONSE OR OPPOSITION TO A MOTION THAT THE RESPONSENT NEVER SERVED UPON THE PETITIONER. . PETITIONER SHOULD HAVE THE OPPORTUNITY TO FILE A OPPOSITION TO THE MOTION TO DISMISS UPON PROPERLY BEING SERVED BY THE RESPONDENT.

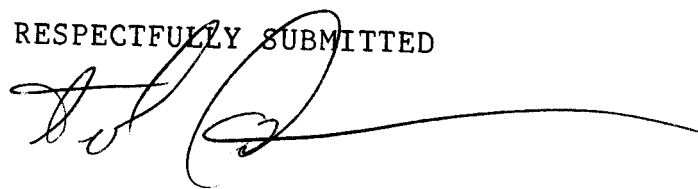
FOR THIS REASON's THE PETITIONER PRAYS THAT THIS COURT ORDERS ;

1. DENIED THE REPORT AND RECOMMENDATION .
2. THAT EITHER THIS COURT OR THE RESPONDENT PROPERLY SERVE THE PETITIONER WITH THE MOTION TO DISMISS AND ALL OTHER DOCUMENTS THAT THE RESPONDENT SERVED ON THIS COURT.
3. THAT A NEW BRIEFING SXHEDULE BE SET GIVING PETITIONER 90 DAYS FROM THE DAY HE RECEIVES THE PROPERLY SERVED MOTION TO DISMISS, AS HIS ONLY ACCESS TO THE LAW LIBRARY IS SATURDAY's FOR ONE HOUR.

PETITIONER PRAYS FOR A FULL GRANTING AND HE VERIFIES UNDER PENALTY OF PERJURY THAT THE HEREIN SAID IS TRUE AND CORRECT.

DATE; 5/23/08

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to be 'D. D.', followed by a long horizontal line extending to the right.

VERIFICATIONSTATE OF CALIFORNIA
COUNTY OF SAN DIEGO

CV-08-0016-BEN-(LSP)

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. SEC. 1746)

I, Felix Camacho DECLARE UNDER THE PENALTY OF PERJURY
THAT: I AM THE Declarant/Prisoner IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 23rd DAY OF MAY 2008, AT R.J.D.
STATE PRISON, 480 Alta Road, San Diego, CA 92179

(SIGNATURE)

(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I, Angel Villalobos, AM A RESIDENT OF R.J.D. STATE PRISON, IN THE COUNTY
OF S.D. STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM AM
NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS:
480 ALTA Road San Diego CA 92179

ON May 23, 08, I SERVED THE FOREGOING:

Denovo - Objection to Report & Recommendation of
the Magistrate Judge.

(SET FORTH EXACT TITLE OF DOCUMENT(S) SERVED)

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE
(S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO
PROVIDED AT Richard J. Donovan Correctional Facility

U.S. D. C
SOUTHERN DISTRICT COURT
880. Front Street
#4240
San Diego CA 92101

& ATTORNEY General
110 West "A" Street
PO Box 85266
San Diego CA 92186

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO
ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: 5/23/08

(DECLARANT/PRISONER)